

House Fish, Wildlife and Parks Committee Hearing on HB 314
Feb. 17, 2009

The Montana Outfitters and Guides Association believes HB 314 provides for the following:

- Creates the Montana Big Game Animal Damage Mitigation Act.
- Defines the term "concentration" of game animals in a way that could apply to most farm/ranches at some time during a general hunting season.
- Provides two avenues through which a landowner can come under scrutiny and possible sanction: a neighboring landowner and the department.
- Allows a landowner whose land or crops are damaged by big game to request a grievance action against his neighbor – all without establishing a threshold quantity or quality of damage.
- Establishes a 5-7 person grievance committee (the "big game animal concentration (BGAC) advisory board"), comprised of a landowner, a 7-consecutive-year hunter, a representative of federal land management agency, a commissioner, and a biologist with FWP.
- Allows FWP to conduct "necessary research" to determine whether a concentration exists within a hunting district without defining the parameters of that research.
- Based on research results, the BGAC can recommend to the department and commission to pursue appropriate remedies.
- Remedies include dispersal of animals by a (1) department-approved plan; (2) public hunting; (3) adjusting length and scheduling of hunting seasons; and (4) restricting or prohibiting the harvest of antlered animals. (*Is "public hunting" really "forced access?"*)
- Penalties for failure to comply include loss of landowner preferences for hunting licenses, and loss of resident-sponsored and outfitter-sponsored license use. (*Both personal and financial loss.*)
- Landowners can be liable for all costs incurred by the research, the determination, and dispersal through a department-conducted dispersal plan. (*Again, without parameters.*)
- HB 314 goes from "complaint" to "remedy," apparently without legal recourse for the defendant. (*Is this what we should be doing?*)

HB 314 sets the stage to pit neighbor against neighbor, urban hunter against landowner. It effectively holds certain landowner benefits hostage to public hunting, seemingly without limit, control, or compensation. This bill appears to force landowners to comply with public demands for access onto private land. Even worse, it positions the agency charged with game management as point-of-the-spear, guaranteeing animosity, broken relationships, defiance, and locked gates.

If HB 314 becomes law, WILL it allow the department to access private property without permission to conduct "research" if enough "evidence" from neighbors and others points to a violation of the Montana Big Game Animal Damage Mitigation Act?

HB 314 turns the balanced three-legged stool – sportsmen, landowners, outfitters – into a one-legged, or single-interest stool whereby the public policy of settling contentious issues through the consensus-driven Private Lands/Public Wildlife Council is ignored. The PL/PW is addressing this issue and will continue to work towards solutions that all parties can live with. The reality is that most landowners see HB 314 as a sportsmen's attempt to gain access through department law. HB 314 should be tabled in the House committee before it results in locked gates and broken relationships.